

HOUSE BILL 1736
By Towns

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 4, relative to sentencing for certain offenses involving controlled substances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding the following as a new section:

Section 39-17-43_.

(a) A violation of § 39-17-417, or a conspiracy to violate such section, that occurs on the grounds or facilities of any place of worship or within one thousand feet (1,000') of the real property that comprises a place of worship shall be punished one (1) classification higher than is provided in § 39-17-417(b)-(i) for such violation.

(b) Notwithstanding any other provision of law or the sentence imposed by the court to the contrary, a defendant sentenced for a violation of subsection (a) shall be required to serve at least the minimum sentence for such defendant's appropriate range of sentence. Any sentence reduction credits such defendant may be eligible for or earn shall not operate to permit or allow the release of such defendant prior to full service of such minimum sentence.

(c) Notwithstanding the sentence imposed by the court, the provisions of title 40, chapter 35, part 5, relative to release eligibility status and parole, shall not apply to or authorize the release of a defendant sentenced for a violation of subsection (a) prior to service of the entire minimum sentence for such defendant's appropriate range of sentence.

(d) Nothing in the provisions of title 41, chapter 1, part 5, shall give either the governor or the board of probation and parole the authority to release or cause the release of a defendant sentenced for a violation of subsection (a) prior to service of the entire minimum sentence for such defendant's appropriate range of sentence.

(e) Nothing in this section shall be construed as prohibiting the judge from sentencing a defendant who violated subsection (a) to any authorized term of incarceration in excess of the minimum sentence for the defendant's appropriate range of sentence.

(f) The sentence of a defendant who, as the result of a single act, violates both subsection (a) and § 39-17-417(k), may only be enhanced one (1) time under such sections for each such act. The state must elect under which section it intends to seek enhancement of such defendant's sentence and shall provide notice of such election pursuant to § 40-35-202.

SECTION 2. This act shall take effect on July 1, 2003, the public welfare requiring it.